

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD LOUIS PAGE, )  
                        )  
Plaintiff,           )      No. 02CV4457  
                        )  
v.                     )  
                        )  
D. M. BOWMAN,       )  
                        )  
Defendant.           )

**NOTICE OF REMOVAL**

AND NOW, comes the Defendant, D. M. Bowman, by and through its counsel, Dickie, McCamey & Chilcote, P.C., and John T. Pion, Esquire and Edward M. Vavro, Jr., Esquire, and files this Notice of Removal of the above-captioned case from the Court of Common Pleas of Philadelphia County, Pennsylvania, where it has been assigned Civil Action No. 000648 to the United States District Court for the Eastern District of Pennsylvania and, in support thereof, sets forth the following:

1. This action was commenced by the filing of a Complaint in a Civil Action on or about June 6, 2002. Plaintiff's Complaint in a Civil Action is the initial pleading setting forth a claim for relief upon which this action is based. A copy of said Complaint is attached hereto as Exhibit "A".
2. Pursuant to the Rules of Civil Procedure, attached hereto as Exhibit "B" is an Affidavit executed by counsel for the Defendant, asserting that upon information and belief, the amount in controversy in this case exceeds \$75,000.00 exclusive of interest and costs.

3. Defendant, D. M. Bowman, is a corporation having its principal place of business at 10228 Governor Lane Boulevard, Williamsport, MD 21795. The Defendant, D. M. Bowman, was not at the time of the commencement of this action and is not now a citizen of the Commonwealth of Pennsylvania.

4. Upon information and belief, according to the verified and sworn allegations of Plaintiff's Complaint in a Civil Action, the Plaintiff at the time of the commencement of this action, and since that time, and at all other material and relevant times were and are citizens and residents of Philadelphia County, Pennsylvania.

5. Philadelphia County, Pennsylvania, where this action was initially filed, is within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

6. This Court has original jurisdiction of this action based upon the complete diversity of citizenship under 28 U.S.C. §1332, and this action is removable from the state court under the provisions of 28 U.S.C.. §1441, *et. seq.*

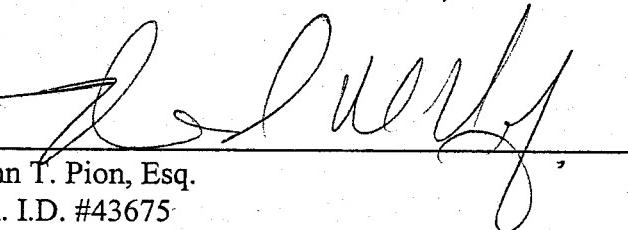
7. The Defendant, D. M. Bowman, avers that not more than thirty (30) days have passed since it received a copy of Plaintiff's Complaint in a Civil Action which is the initial pleading setting forth the claim for relief.

8. Concurrent with the filing of this document in the United States District Court for the Eastern District of Pennsylvania, the Defendant has filed with the Philadelphia County Court of Common Pleas and have served upon Plaintiff's counsel a Notice of Removal advising the state court that the Defendant has removed this action to the United States District Court for the Eastern District of Pennsylvania. See attached Exhibit "C".

WHEREFORE, the Defendant, D. M. Bowman, prays that this case be removed from the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

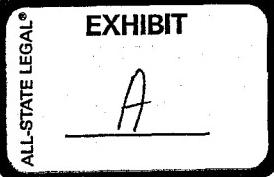
By   
John T. Pion, Esq.  
PA. I.D. #43675

Edward M. Vavro, Jr., Esq.  
PA. I.D. #80401

Attorneys for Defendant, D. M. Bowman

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

		JUNE 2002	
PLAINTIFF'S NAME <b>RONALD LOUIS PAGE</b>	DEFENDANT'S NAME <b>D.M. BOWMAN</b>		
PLAINTIFF'S ADDRESS 5948 Washington Avenue Philadelphia PA 19143-0000	DEFENDANT'S ADDRESS 10038 Governor Lane Boulevard WILLIAMSPORT MD 21795-0000		
PLAINTIFF'S NAME	DEFENDANT'S NAME		
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS		
PLAINTIFF'S NAME	DEFENDANT'S NAME		
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS		
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NO. OF DEFENDANTS 1	COMMENCEMENT OF ACTION	
		<input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Waiver of Summons	<input type="checkbox"/> Motion Action <input type="checkbox"/> Transfer from Other Jurisdiction
		<input type="checkbox"/> Motor Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition	<input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Summary Appeals
AMOUNT IN CONTROVERSY <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00		COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other: _____	
		<input type="checkbox"/> Settlement <input type="checkbox"/> Mediation <input type="checkbox"/> W/D/Surrender	
CASE TYPE AND CODE (SEE INSTRUCTIONS) <b>2V Motor Vehicle Accident</b>			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)			IS CASE SUBJECT TO COORDINATION ORDER? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER/APPPELLANT'S ATTORNEY <b>Lawrence Solomon, Esquire</b>		ADDRESS (SEE INSTRUCTIONS) 1207 Chestnut Street, 5th Floor Philadelphia PA 19107-4104	
PHONE NUMBER (215) 665-1100	FAX NUMBER (215) 665-8471		
SUPREME COURT IDENTIFICATION NO. 4,259		E-MAIL ADDRESS <b>LawrenceSolomon@aol.com</b>	
SIGNATURE		DATE June 3, 2002	



Lawrence Solomon, Esquire  
 ID #: 04259  
**SOLOMON SHERMAN & GABAY**  
 1207 Chestnut Street  
 5th Floor  
 Philadelphia, PA 19107  
 (215) 665-1100  
 (215) 665-8471

THIS MATTER WILL BE HEARD BY A BOARD OF ARBITRATORS AT THE TIME, DATE AND PLACE SPECIFIED BUT, IF ONE OR MORE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PART OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO OR APPEAL FROM A DECISION ENTERED BY A JUDGE.

RONALD LOUIS PAGE  
 5948 WARRINGTON AVENUE  
 PHILADELPHIA, PA 19143

VS.

D. M. BOWMAN  
 10038 Governor Lane Boulevard  
 Williamsport, MD 21795

LISTED ESTA DEMANDA COMPARCENCIA EN ARBITRAJE HABILITADO 1601 MARKET STREET 2ND FLOOR FIVE PENN CENTER PLAZA
TIME: 9:30
FEB 04 2003
YOU MUST STILL COMPLY WITH THE NOTICE BELOW LISTED TODAVIA DEBE PUMPLIR CON EL AVISO PARA DEFENDERSE

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

JUNE 2002

000648

COMPLAINT

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL AND INFORMATION SERVICE.  
 One Reading Center  
 Philadelphia, Pennsylvania 19107  
 Telephone: 215-236-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Haga saber asentir una comparecencia escrita o en persona o con un abogado y entregue a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted.

LLEVEH HASTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADO DE FILADELFIA  
 SERVICIO DE REFERENCIA E INFORMACION LEGAL  
 One Reading Center  
 Philadelphia, Pennsylvania 19107  
 Telephone: 215-236-1701

M. CORNAGLIA  
 PRO. PROTHY

JUN - 6 2002

CIVIL ACTION

1. The plaintiff is an individual residing at 5948 Warrington Avenue, Philadelphia, PA 19143..
2. The defendant, D.M. Bowman is a corporation or in the alternative, a fictitious name, with an office located at 10038 Governor Lane Blvd., Williamsport, MD.
3. On or about May 9, 2001, the plaintiff was the owner of a motor vehicle which he was operating in a southerly direction on Route I95 in the airport area in Philadelphia, Pennsylvania when his vehicle was struck at the right rear by a motor vehicle which was owned by the defendant D. M. Bowman and being operated by Jack Piper.
4. The aforesaid accident was caused solely by the negligence and carelessness of Jack Piper, said carelessness, recklessness and negligence consisting of the following:
  - a. he did operate said motor vehicle at an excessive rate of speed;
  - b. he did fail to have said motor vehicle under proper and adequate control;
  - c. he did operate said motor vehicle without due regard for the rights, safety and position of the plaintiff at the time and point aforementioned;
  - d. he did fail to give proper and adequate warning of the approach of his said motor vehicle;
  - e. he did violate the various ordinances of the City of Philadelphia and the statutes of the Commonwealth of Pennsylvania, pertaining to the operation of motor vehicles on the highways;
  - f. he did fail to keep a proper lookout;
  - ~~g. he did otherwise fail to use due care and control in the operation of said motor~~

vehicle.

5. At the time and place aforesaid, Jack Piper was operating the motor vehicle of defendant, D. M. Bowman on behalf of and for the benefit of D. M. Bowman within the scope and course of his employment.

6. By reason of the aforesaid accident, the plaintiff sustained injuries to his head, neck, left shoulder, back and surrounding areas, including but not limited to sprains and strains and left trapezius myofascitis as well as a severe and permanent shock to the nervous system, all of which have caused and may continue to cause in the future great pain and suffering and agony and a deprivation of normal mode of living and/or earning power.

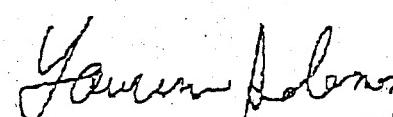
7. As a result of the aforesaid injuries, plaintiff Ronald Louis Page has incurred medical and other expenses in treating himself and may be obliged to incur additional expenses in the future.

8. At the time and place aforesaid the plaintiff's motor vehicle was damaged to his financial detriment, the cost of repair of his vehicle being \$6,354.21.

time aforesaid the motor vehicle being operated by Jack Piper was registered in

The plaintiff demands judgment from the defendant in a sum not in excess of

\$5

  
LAWRENCE SOLOMON  
Attorney for Plaintiff

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA

SS:

Ronald L. Page, being duly sworn according to law, deposes and says that he/she is the plaintiff named herein, and that the facts contained in the foregoing pleading are true and correct to the best of his/ her knowledge, information and belief.

This Affidavit is being made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

4/18/02

Ronald L. Page

**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA

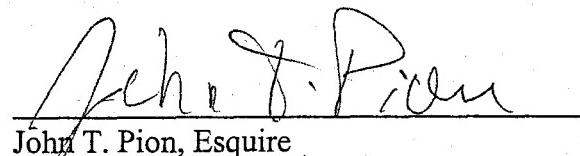
COUNTY OF ALLEGHENY

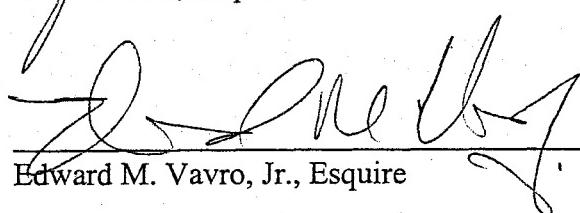
: SS:

: :

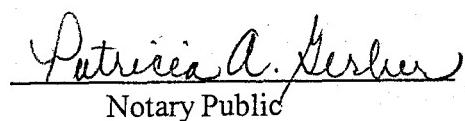
: :

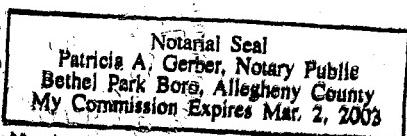
Before me, the undersigned authority, a Notary Public, personally appeared John T. Pion, Esquire and Edward M. Vavro, Jr., Esquire, who, being first duly sworn, did depose and say that he is the attorney of record for D. M. Bowman in this action; that the foregoing Notice of Removal is true and correct to the best of his information, knowledge and belief; and that the amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs.

  
John T. Pion, Esquire

  
Edward M. Vavro, Jr., Esquire

Sworn to and subscribed before  
me this 2nd day of July, 2002.

  
Patricia A. Gerber  
Notary Public



Member, Pennsylvania Association of Notaries

EXHIBIT

ALL-STATE LEGAL®

B

John T. Pion, Esquire  
 I.D. # 43675  
 Edward M. Vavro, Jr., Esquire  
 I.D. # 80401  
 DICKIE, McCAMEY & CHILCOTE, P.C.  
 Two PPG Place, Suite 400  
 Pittsburgh, PA 15222-5402  
 (412) 281-7272

---

RONALD LOUIS PAGE	)
5948 Warrington Avenue	)
Philadelphia, PA 19143,	)
	)
Plaintiff,	)
	)
v.	)
	)
D. M. BOWMAN	)
10038 Governor Lane Boulevard	)
Williamsport, MD 21795,	)
	)
Defendant.	)

---

COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY,  
 PENNSYLVANIA

June, 2002

Case No.: 000648

### NOTICE OF REMOVAL

Please take notice that on this 3rd day of July, 2002, the undersigned attorneys for the Defendant, D. M. Bowman, have filed a Notice of Removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. A copy of said Notice of Removal, which has been filed with the United States District Court for the Eastern District of Pennsylvania, is attached hereto as Exhibit "A" and incorporated herein by reference as if the same were set forth herein at length.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: \_\_\_\_\_

John T. Pion, Esq.

Edward M. Vavro, Jr., Esq.

Attorneys for Defendant, D. M. Bowman

EXHIBIT

ALL STATE LEGAL®

C

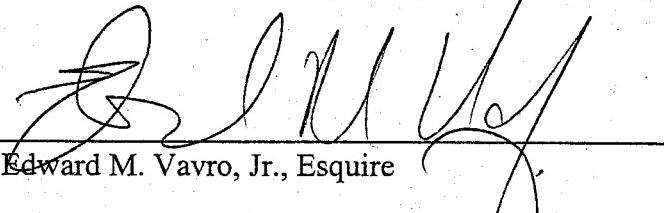
**CERTIFICATE OF SERVICE**

I, Edward M. Vavro, Jr., Esquire, hereby certify that a true and correct copy of the foregoing Notice of Removal has been served this 3rd day of July, 2002, by Federal Express, to counsel of record listed below:

Lawrence Solomon, Esquire  
Solomon, Sherman & Gabay  
Fifth Floor  
1207 Chestnut Street  
Philadelphia, PA 19107-4104

DICKIE, McCAMEY & CHILCOTE, P.C.

By

  
Edward M. Vavro, Jr., Esquire

Attorneys for Defendant, D. M. Bowman